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OFFICIAL GOVERNMENT OF GOA GAZETTE

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GOVERNMENT OF GOA

Department of Law
Legal Affairs Division

Notification

7/13/2024-LA-157

The Goa Irrigation (Amendment) Act, 2024 (Goa Act 16 of 2024), which has been passed by the Legislative Assembly of Goa on 31-07-2024 and assented to by the Governor of Goa on 29-08-2024, is hereby published for the general information of the public.

D. S. Raut Desai, Joint Secretary (Law).
Porvorim, 4th September, 2024.

The Goa Irrigation (Amendment)
Act, 2024

(Goa Act 16 of 2024) [29-08-2024]

AN

ACT

further to amend the Goa Irrigation Act, 1973
(Act No. 18 of 1973).

BE it enacted by the Legislative Assembly of Goa in the Seventy-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Irrigation (Amendment) Act, 2024.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Irrigation Act, 1973 (Act No. 18 of 1973) (hereinafter referred to as the “principal Act”), after clause (1), the following clause shall be inserted, namely:—

“(1A) “Bulk user of water” means any person including an institution, a company or an establishment, whether Government or not, including restaurant, hotel, multi dwelling unit, water treatment plant, desalination plant, or any other commercial or industrial establishment, or an establishment dealing with activity of construction, whose consumption of water exceeds 3000 cubic meters per day;”.

3. *Insertion of new section 85A.*— After section 85 of the principal Act, the following section shall be inserted, namely:—

“85A. *Obligation of the Bulk user of water.*— Every Bulk user of water shall treat sewage, before its release, by adopting the standards as specified by the Goa State Pollution Control Board, failing which, he shall be charged a penalty of Rs. 10/- per cubic meter of water supplied to him or part thereof.”.

Secretariat,
Porvorim, Goa.
4th September, 2024.

SANDIP JACQUES,
Secretary to the Government
of Goa, Law Department
(Legal Affairs).

Notification

7/18/2024-LA-159

The Goa Succession, Special Notaries and Inventory Proceeding (Amendment) Act, 2024 (Goa Act 19 of 2024), which has been passed by the Legislative Assembly of Goa on 31-07-2024 and assented to by the Governor of Goa on 29-08-2024, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary
(Law).

Porvorim, 4th September, 2024.

—————
The Goa Succession, Special Notaries
and Inventory Proceeding (Amendment)
Act, 2024

(Goa Act 19 of 2024) [29-08-2024]

AN

ACT

*further to amend the Goa Succession, Special
Notaries and Inventory Proceeding Act,
2012 (Goa Act No. 23 of 2016).*

BE it enacted by the Legislative Assembly
of Goa in the Seventy-fifth Year of the Republic
of India as follows:—

1. *Short title and commencement.*— (1) This
Act may be called the Goa Succession, Special
Notaries and Inventory Proceeding
(Amendment) Act, 2024.

(2) It shall come into force on such date, as
the Government may, by Notification in the
Official Gazette appoint.

2. *Amendment of section 319.*— In section
319 of the Goa Succession, Special Notaries
and Inventory Proceeding Act, 2012 (Goa Act
No. 23 of 2016) (hereinafter referred to as the
“principal Act”), after clause (b), the following
clause shall be inserted, namely:—

“(c) if the interested party/declarant does
not comply with the provisions of
sub-sections (2), (4), (6), (7), (9) and (10) of
section 346.”.

3. *Substitution of section 346.*— For section
346 of the principal Act, the following section
shall be substituted, namely:—

“346. *Declaration of heirship.*— (1) After
the succession opens and the law does not
require that mandatory inventory
proceedings be instituted to partition the
inheritance, heirship may be proved by a
deed of declaration of heirship drawn by the
Special Notary.

(2) For the purpose of execution of a deed
of declaration of heirship the interested
party shall submit an application in writing
before the Special Notary having jurisdiction
over the place where the succession opens
upon death of the concerned estate leaver/
/deceased person as per section 8, clearly
stating therein the following details,
namely:—

(i) the name/s and permanent
residence of the deceased person/s;

(ii) the place of death of deceased
person/s;

(iii) residence of the deceased person/s
at the time of death;

(iv) the time of death of the deceased
person/s (if such time of death is known
to the interested party);

(v) the name, address and contact
number of interested party;

(vi) the right in which the interested
party claims heirship of the estate leaver/
/deceased person;

(vii) the names, addresses and contact
numbers of all other legal heirs of the
estate leaver/deceased person;

(viii) the details of the family or other
relatives of the deceased person/s
alongwith their residential address and
contact numbers; and

(ix) reason for execution of deed of
declaration of heirship.

(3) Three persons and at least one of the
interested parties shall have to declare on

oath before the Special Notary that the interested party or parties named by them are the only heir or heirs of the deceased person. If such deceased person was married, the name of the spouse shall also be disclosed and whether the spouse is surviving or has expired. The interested party shall also declare in the application, whether the value of the inheritance exceeds Rs. 10 lakhs or not and he shall disclose the names of the spouses of the heirs, if any.

(4) The declarants shall produce the following documents:—

(a) death certificate of the deceased person;

(b) will or gift deed mortis causa, when the succession is founded on such document;

(c) document/s to prove the relationship of the heir or heirs to the deceased person/s;

(d) the certified copies of photo identity proof of the interested party and all other legal heirs as specified in the application submitted under sub-section (2).

(5) The provision of production of documents as specified in sub-section (4) shall be scrupulously followed by the Special Notary and reference of all such documents produced alongwith the application shall be made by him to that effect in deed of declaration of heirship.

(6) The application under sub-section (2) shall be submitted in the manner as prescribed under rules 14 and 15 of the Order VI of the Code of Civil Procedure, 1908 (5 of 1908) for signing and verification of the pleadings and the date shall be mentioned on the application. All the documents as specified in sub-section (4) shall be annexed to the application.

(7) Where a party is unable to produce a birth certificate, death certificate or a marriage certificate issued by the authorities, the party may produce an order or decree of the court certifying such birth, death or marriage.

(8) In the event when a party to succession deed produces documents of his identity and the names on the documents produced are different, the parties may produce a certificate issued by the Mamlatdar for certifying the names appearing in different certificates are that of one and the same person.

(9) When all the interested parties are abroad, a constituted attorney with special powers may make the declaration required under sub-section (3).

(10) A person, who under the provisions of this chapter is not competent to be a witness and a person who is a successor of the presumed heir, shall not be competent to be a declarant.

(11) If the declarant/s or the interested party or parties or their attorneys, are found to have knowingly made a false declaration, with regard to the particulars required under sub-section (3), they shall be liable for penal action under sections 227 and 236 of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023).

(12) The fact that any person has been brought on record in Court proceedings other than inventory proceedings as legal representative of the deceased, shall not amount to a declaration of heirship.

(13) A deed of declaration of heirship shall be sufficient evidence for the purpose of, —

(i) mutation;

(ii) transfer of shares;

(iii) withdrawal of money from a bank or other financial institution where the deposit does not exceed Rs. 50,000/-:

Provided that where there is only one heir, there is no restriction on withdrawal of any amount from the deposit.

(14) The application submitted by the interested party under sub-section (2) shall be a part of the record of the Special Notary and it shall be preserved alongwith the other records.

(15) The fee or duty on a deed of declaration of heirship shall be as

prescribed, on each inheritance opened, irrespective of the number of heirs.

(16) The Special Notary recording the deed of declaration of heirship shall, at the expense of the interested party or parties, publish within 15 days, an extract of the declaration, disclosing the name and permanent residence of the deceased and the names of the interested parties and other identification particulars, in the Government Gazette. When the value of inheritance exceeds Rs. 10 lakhs in all, such extract shall also be published in an English newspaper and a newspaper in local language in circulation in the locality where the deed is drawn. The Special Notary shall require the interested party or parties to advance the expenses towards the publication of the notice.

(17) Any person claiming to be an heir of the deceased who has not been named in the declaration may file a suit for declaration of heirship and consequential reliefs. If such suit is filed, a notice thereof shall forthwith be given by the Court to the respective Special Notary or by the Plaintiff in the suit, enclosing a certified copy of the plaint.

(18) If the Special Notary has not received any notice from the Court or the Plaintiff, he shall, within 30 days of the publication of the extract, issue a certified copy of declaration of heirship, which shall contain an endorsement that no such communication of institution of any suit has been received by him.

(19) Failure to file suit under sub-section (17), shall not deprive the aggrieved party to challenge the deed of declaration within the period of limitation.”.

4. *Amendment of section 361.*— In section 361 of the principal Act, for the expression “the Indian Penal Code (45 of 1860)”, wherever it occurs, the expression “the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023)” shall be substituted.

	SANDIP JACQUES,
Secretariat,	Secretary to the Government
Porvorim, Goa.	of Goa, Law Department
4th September, 2024.	(Legal Affairs).

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